

PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

09/733455

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR <i>PCE</i>	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	47 minus 20 =	27
INDEPENDENT CLAIMS	12 minus 3 =	9
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2.

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	=
	Independent	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	=
	Independent	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	=
	Independent	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	155.00
X\$ 25=	200.00
X100=	
+180=	
TOTAL	495.00

RATE	FEE
BASIC FEE	300.00
X\$50=	
X200=	
+360=	
TOTAL	

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDIT. FEE	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875

Application or Docket Number
1091733455

CLAIMS AS FILED - PART I

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	FEE
	\$
x \$	=
x \$	=
+ \$	=
TOTAL	

RATE	FEE
	\$
x \$	=
x \$	=
+ \$	=
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	33	minus 33	= 0
Independent (37 CFR 1.16(b))	12	minus 12	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	ADDI- TIONAL FEE
x \$	=
x \$	=
+ \$	=
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
x \$	=
x \$	=
+ \$	=
TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	43	minus 33	= 10
Independent (37 CFR 1.16(b))	12	minus 12	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
x \$ 25	= 250.00
x \$	=
+ \$	=
TOTAL ADD'L FEE	250.00

RATE	ADDI- TIONAL FEE
x \$	=
x \$	=
+ \$	=
TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))		minus **	=
Independent (37 CFR 1.16(b))		minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
x \$	=
x \$	=
+ \$	=
TOTAL ADD'L FEE	

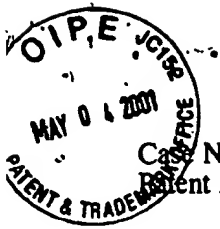
RATE	ADDI- TIONAL FEE
x \$	=
x \$	=
+ \$	=
TOTAL ADD'L FEE	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" in THIS SPACE is less than 20, enter "20".
- *** If the "Highest Number Previously Paid For" in THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2



Case No.:
Patent Appln.

BENDE-008B

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant's: Theodore V. Benderev)
Serial No.: ~~09497,938~~ 733,455)
Filed: November 23, 1998)
For: System & Method for Securing)
Sutures to Bone & Tissue)

Art Unit: 3731
Examiner: David O. Reip

PRELIMINARY A M E N D M E N T

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON D C 20231

Dear Sir/Madam:

Prior the examination of the above-identified continuation in part application, please amend such application as follows:

IN THE CLAIMS:

Please cancel Claims 1-5 without prejudice.

Please add the following new claims:

6. (New) A surgical implant for securing sutures, grafts, synthetic materials, and soft tissue to soft tissue at a selected target site comprising:

- (a) a piton member having proximal and distal ends, said distal end being operative to penetrate into and become embedded within said soft tissue at said target site, said piton member being manually positionable within the tissue such that said piton member defines a pathway of penetration therewithin;
- (b) an attachment member formed upon said proximal end of said piton member, said attachment member being designed to receive and securably hold said suture, graft or soft tissue; and

RECEIVED

MAY 08 2001

TECHNOLOGY CENTER R3700

2302 - 5117
2201 - 5360


deployment device which typically must be utilized with prior art devices, such as those disclosed in the Akopov et al. reference.

Based on the foregoing amendment, remarks and declarations of Drs. Thomas, DeSantis, and Benderev submitted pursuant to 37 C.F.R. §1.132, Applicant respectfully submits that the claims, as amended, are allowable over the cited prior art. Similarly, New Claims 19-38, which are drawn to new embodiments disclosed in the present continuation-in-part patent application, are likewise believed to be allowable over the prior art. In this regard, such claims are directed to novel systems and methods for enabling a suture line to be secure within soft tissue at a desired target site. Such claims are likewise believed to be allowable over the cited prior art and Applicant respectfully requests early notice to that effect.

To the extent the Examiner has any questions, requires additional information or has any suggestions to resolve any outstanding issues that may remain, he is invited to contact Applicant's counsel at the number listed below.

Respectfully Submitted,

Date: 4/27/01

By: 
Matthew A. Newboles
Registration No. 36,224
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
(949) 855-1246

C:\CLIENT.DIR\BENDE\PATENTS\BENDE-008B.amend.wpd\ms\42701

Application No.: 09/733,455
Response to Office Action of January 23, 2006
Attorney Docket: BENDF-004B (formerly BENDE-008B)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Theodore V. Benderev)	Confirmation No.	2632
)		
Serial No.:	09/733,455)	Art Unit:	3731
)		
Filed:	December 8, 2000)	Examiner:	David Owen Reip
)		
For:	SYSTEMS FOR SECURING)		
	SUTURES, GRAFTS AND SOFT)		
	TISSUE TO BONE AND)		
	PERIOSTEUM)		

REQUEST FOR CONTINUED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits the present Request for Continued Examination to continue prosecution of the above-identified patent application, and hereby files the present amendment responsive to the final Office Action dated January 23, 2006. In response to that Office Action, please kindly amend the application as follows:

Amendments to the Claims begin on page 2 of this document in a listing of claims which replaces all prior versions of the claims.

Remarks begin on page 14 of this document.

2202- \$100

Application No.: 09/733,455
Response to Office Action of January 23, 2006
Attorney Docket: BENDF-004B (formerly BENDE-008B)

cannot properly be maintained. Applicants therefore respectfully request that such rejection be withdrawn.

In addition to the foregoing, Applicants have further amended the claims in accordance with the Office Action of January 23, 2006. Specifically, Applicant has withdrawn Claims 39-42 and 45-48 from consideration and has further cancelled Claim 43. Applicant has further added new Claims 49-52, of which Claim 49 depends from independent Claim 19 and Claims 50-52 depend from Claim 35, and are directed respectively to types of materials for forming the sling component (Claim 49) and methods involving the placement of a sling at or near the urethra (Claims 50-52). Such claims are fully supported in the specification page 23, line 23 to page 25, line 29 and Figures 16, 16a, and thus do not introduce new matter. Such claims are likewise believed to be within the scope of the elected invention.

Based on the foregoing, Applicant respectfully submits that the claims, as amended herein, are now in condition for immediate allowance. Early notice to that effect is respectfully requested. To the extent the Examiner has any questions, requires additional information, or has any suggestions to resolve any outstanding issues that may exist, the Examiner is invited to contact Applicant's counsel at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 7/21/06

By:



Customer No.: 007663

Matthew A. Newboles
Registration No. 36,224
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371